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FEDERAL COMMUNICATIONS COMMISSION  
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HAND DELIVER

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20554

Dear Ms. Searcy:

On behalf of Capital Cities/ABC, Inc., transmitted herewith for filing with the Commission are an original and five copies of its Reply Comments in CC Docket No. 92-160.

If there are any questions in connection with the foregoing, please contact the undersigned.

Sincerely,

Pamela R. Miller  
Attorney, Law & Regulation

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Enclosures

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of )  
 )  
Amendment of Parts 21, 22, 23 and )  
25 of the Commission's Rules To )  
Require Reporting of Station )  
Frequency and Technical Parameters )  
for Registration by the Commission )  
with the International Frequency )  
Registration Board )

CC Docket No. 92-160

REPLY COMMENTS OF CAPITAL CITIES/ABC, INC.

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To: The Commission

REPLY COMMENTS OF CAPITAL CITIES/ABC, INC.

Capital Cities/ABC, Inc. ("Capital Cities/ABC") respectfully submits these Reply Comments in the above-captioned proceeding concerning proposed new technical reporting requirements in the Domestic Public Fixed Radio, Public Mobile, International Fixed Public Radiocommunication, and Satellite Communications Services. Our comments are limited to the proposals as they apply to Satellite Communications Services, or Part 25 of the Commission's rules.

Introduction

Capital Cities/ABC is interested in this proceeding because its broadcast operations will be directly affected by the outcome. Directly or through subsidiaries, Capital

Cities/ABC is licensed to operate numerous transmit and receive earth stations throughout the United States in the C-band, and VSAT facilities and mobile and fixed earth stations in the Ku-band. These facilities are used to disseminate news and other broadcast programming to the company's television and radio network affiliates and to gather information for editing and ultimate broadcast to the public on the company's networks and owned television and radio stations.

Capital Cities/ABC is filing Reply Comments because in our opinion the Commission has not demonstrated the existence of an international electrical interference problem sufficient to justify the extreme cost and burdensomeness of the proposed reporting requirements as applied to Part 25 licensees. Secondly, if the Commission nevertheless determines to adopt the new reporting requirements, it should limit the circumstances in which such reporting would be required.

**I. ADDITIONAL REPORTING REQUIREMENTS ARE UNNECESSARY BECAUSE NO INTERNATIONAL INTERFERENCE PROBLEMS EXIST IN THE SATELLITE INDUSTRY.**

The Commission is proposing to create an automated database in order to protect domestic licensees from "risk of harmful electrical interference to and from foreign carriers" and to improve "the reporting of frequency assignments to the

International Frequency Registration Board."<sup>1</sup> To accomplish this objective, the Commission seeks, among other things, to require applicants, permittees and licensees under Part 25 of the Commission's rules to provide the Commission with extremely detailed technical information in computer readable format about earth station operating frequencies.

Like other parties who have commented in this proceeding, we question whether a real or potential international interference problem exists for licensees in the Ku-band.<sup>2</sup> Facilities operating in the Ku-band consist primarily of earth stations, fixed and mobile. Transmitting earth stations and receiving earth stations cannot interfere with one another because they operate on different frequencies.<sup>3</sup> Thus, at the very least, it would appear that VSAT facilities (comprised of networks of small earth stations) and mobile and fixed earth stations in the Ku-band do not require additional international interference protection.

Nor has the Commission pointed to an international interference problem or potential problem in connection with earth stations and terrestrial microwaves in the C-band other

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<sup>1</sup> Notice at paragraph 1.

<sup>2</sup> See Comments of IDB Communications Group at 5; Comments of GTE Service Corporation at 5; Comments of Hughes Communications, Inc. at 3; Comments of Hughes Network Systems at 4-6.

<sup>3</sup> Comments of Hughes Network Systems at 4.

than to say that the use of the radio spectrum has "increased" in nearby countries.<sup>4</sup> The experience reported by the initial commenters does not bear out the Commission's concern. For example, IDB Communications Group stated that, in the operation of its teleport business in New York and Los Angeles (involving earth stations), it had never experienced interference from foreign carriers<sup>5</sup> even though IDB operates in two densely populated cities, uses certain C-band operations that overlap with the Mexican and Canadian borders, and reports that domestic carriers operate numerous terrestrial microwave paths that pass through or near IDB's facilities.<sup>6</sup>

Nor has the Commission explained why additional reporting requirements of the complexity required by the IFRB are necessary when bilateral agreements provide a reasonable and less burdensome alternative. As the Commission notes, an agreement with Mexico for 6 GHz earth stations was formalized in July 1991 in connection with the Satellite Communications Service,<sup>7</sup> and the Commission just recently published the first list supplied by Mexico of satellite earth stations and

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<sup>4</sup> Notice at Paragraph 3.

<sup>5</sup> See Comments of IDB Communications Group at 4.

<sup>6</sup> Id.

<sup>7</sup> See Notice at n. 3.

terrestrial fixed stations in the 6 GHz band.<sup>8</sup> The U.S. has provided Canada with information on C-band earth stations near Canada<sup>9</sup> and the Commission has indicated no reason why an agreement with Canada similar to the U.S.-Mexican agreement cannot be concluded. The information requested for IFRB notification is excessive, and bilateral agreements could be a less burdensome and equally effective means to prevent interference by foreign carriers and foster international frequency coordination than the reporting requirements proposed in the Notice.

For the reasons set forth above, Capital Cities/ABC believes that the need for the proposed additional reporting requirements for Part 25 licensees has not been demonstrated, and that the FCC should withdraw Part 25 licensees from its proposal.<sup>10</sup>

## II. THE PROPOSED REPORTING REQUIREMENTS ARE TOO COSTLY AND BURDENSOME.

As many of the opening Comments stated, the proposed additional reporting requirements for Part 25 licensees would

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<sup>8</sup> See U.S.-Mexican Agreement for Coordinating Earth Stations with Terrestrial Fixed Stations in the 6 GHz Band, Report No. DS-1238 (Sept. 25, 1992).

<sup>9</sup> Notice at n. 3.

<sup>10</sup> To the extent the Commission seeks to justify the new reporting requirements by pointing to international treaties, the Commission has not adequately explained why a change in procedures is warranted now. The treaties referred to in the Notice have existed since the early 1980's. See Notice at Paragraph 3.

impose a tremendous burden on licensees and applicants and delay the FCC's processing time for licensing.<sup>11</sup>

Capital Cities/ABC's ABC Radio Network uplinks through GE Americom to approximately 2300 affiliate downlinks; ABC Television Network uplinks from facilities in New York and Los Angeles to approximately 200 affiliates; and the company's Satellite Music Network uplinks through United Video/Spacecom to approximately 1000 affiliated stations. The company's cable networks -- ESPN, Lifetime, and Arts and Entertainment -- also make extensive use of satellite earth stations. In total, Capital Cities/ABC is licensed to operate approximately 52 earth stations, which number excludes the numerous licenses held by affiliated stations and the company's cable networks. Compiling the technical data required by the proposed rules for each of these earth stations would be costly and extraordinarily time-consuming.

Furthermore, it should be remembered that Capital Cities/ABC and its affiliates are in the broadcast business, not the satellite business. If companies whose principal expertise is in the satellite area, such as IDB Communications, assess the proposed reporting burdens as so significant as to require the hiring of consultants, those burdens will be even more acute for broadcasters. These

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<sup>11</sup> Comments of GTE Service Corporation at 2-3; Comments of Hughes Network Systems at 6-8; Comments of IDB Communications Group at 7-10.



additional burdens would make it difficult for network broadcasters' engineering staffs to continue to play a coordinating and service role with respect to earth stations licensed to affiliates.

Capital Cities/ABC respectfully suggests that if the Commission concludes that there is a genuine need for the technical information it proposes to obtain from licensees, the Commission should consider obtaining the data for satellite usage directly from satellite service providers which are themselves licensed by the FCC to launch and operate their space stations, matching the appropriate satellite service providers with the earth station operators that have contracts with them. Similarly, the Commission should consider obtaining the data for antennas directly from antenna manufacturers in the desired format at the time the antenna is measured for radiation pattern compliance and the data is filed with the Commission.<sup>12</sup>

III. THE COMMISSION SHOULD LIMIT THE CIRCUMSTANCES IN WHICH THE NEW REPORTING REQUIREMENTS WOULD APPLY TO PART 25 LICENSEES.

Capital Cities/ABC agrees with those commenters that seek clarification of the extent to which the proposed

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<sup>12</sup> It should be noted that the requested earth station data such as horizon elevation profiles, great circle coordination distances and rain scatter coordination distances, are not now calculated or known for most Ku-band earth stations and their derivation is a significant burden with no corresponding benefit.

reporting requirements would apply to VSAT users<sup>13</sup> and to facilities regardless of whether such facilities have a "coordination contour extending into another administration."<sup>14</sup> Capital Cities/ABC also requests a clarification as to whether the new requirements are intended to apply to Ku-band trucks used for electronic newsgathering. The reporting requirements and advance international notification contemplated in the proposed rules is incompatible with the mobility necessary in using the Ku-band trucks, especially for breaking news and coverage of emergencies.<sup>15</sup>

As stated above, Capital Cities/ABC broadcasts its programming to its owned television and radio stations as well as to affiliates throughout the United States. The Commission should at least clarify what we believe to be its intent -- that the reporting requirements would apply only to a licensee's own earth stations and there would be no obligation for a network to provide data for all earth stations to which it transmits signals, i.e., earth stations licensed to affiliates.

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<sup>13</sup> Comments of Hughes Communications, Inc. at 2-3.

<sup>14</sup> Comments of GTE Service Corporation at n. 2; Notice at 11, IV(3)(d).

<sup>15</sup> Most recently, the U.S. has exchanged letters with Canada to facilitate cross-border roaming of satellite newsgathering units. Federal Communications Commission News, 24377, dated August 12, 1992.

Lastly, Capital Cities/ABC requests clarification as to what sorts of modification requests (either by the earth station operator or the satellite service provider) would trigger the new reporting requirements for facilities already licensed, as opposed to facilities for which new applications are submitted.<sup>16</sup>

### Conclusion

For the reasons set forth above, Capital Cities/ABC believes the Commission has failed to demonstrate the need for the costly and burdensome new reporting requirements proposed for Part 25 licensees.

Respectfully submitted,

By: 

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<sup>16</sup> Notice at Paragraph 7.